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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,883	04/14/2004	Man Keung Tse	039236-026000	7295
22204	7590	10/06/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			BROUSSARD, COREY M	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,883	TSE ET AL.	
	Examiner	Art Unit	
	Corey M. Broussard	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The claims use the term "vane". The plain meaning of the term "vane" requires a rotating member (see <http://www.m-w.com/dictionary/vane>).

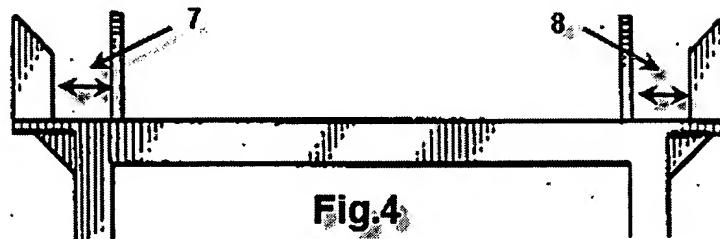
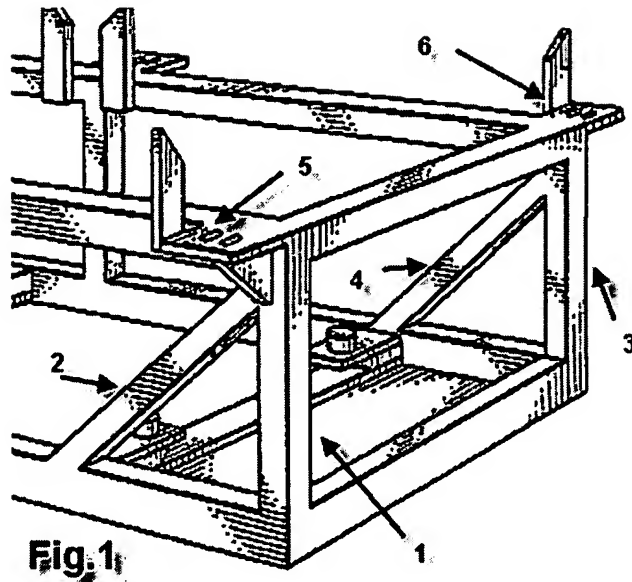
Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (PN 5,870,284) in view of Tate (PN D279,283). With respect to claim 1, Stewart teaches an output cord (141); and a stand (115 and 125), coupled to the

output cord (the output cord is coupled to the stand by the module 140), the stand having a base (125), the power module (14) plugging into the stand allowing vertical heat dissipation along vertical surfaces of said power module (see col 22, 10-21). Stewart lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. Tate teaches a power module support (with labeled elements shown below), having a first vertical piece (1) extending from the base to a first fin (5) that extends substantially along the length of the stand (substantially is given it's broadest reasonable meaning) and extends out from the base away from the module (the module would be supported inside of the frame) in a first direction, and having a second vertical piece (3) extending from the base to a second fin (6) that extends substantially along the length of the stand and extends out from the base away from the module in a second direction, the power module plugging into the stand defining a first gap (7) along an edge of the first fin that is adjacent to the first side of the power module and extends substantially along the length of the stand and defining a second gap (8) along an edge of the second fin that is adjacent to the second side of the power module and extends substantially along the length of the stand, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective substantially vertical surfaces of said power module. It would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart with the conventional power supply support of Tate for the benefit of a lightweight support frame having large windows for cooling air.



5. With respect to claim 2 as best as it can be understood, Tate teaches wherein the stand comprises a third vertical piece (2) extending from the base to the first fin (5), a further vertical piece (4) extending from the base to the second fin (6), the first and third vertical pieces forming a first vane with an opening between the first and third vertical pieces, the second and fourth vertical pieces forming a second vane with an opening between the second and fourth vertical pieces.

6. With respect to claims 7 and 20, Stewart teaches wherein the power module (140) comprises a power converter (col 7, 2-3).

7. With respect to claim 10, Stewart teaches wherein an input power cord (142) is coupled to the stand (the input cord is coupled to the stand by the module 140).

8. With respect to claim 11, Stewart teaches an air fan (col 22, 10-21); and a stand (115, 125), coupled to the output cord (141 is coupled to the stand by the module 140), the stand having a base (125), the power module (14) plugging into the stand allowing vertical heat dissipation along vertical surfaces of said power module (see col 22, 10-21). Stewart lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. Tate teaches a first vertical piece (1) extending from the base to a first fin (5) that extends substantially along the length of the stand (substantially is given it's broadest reasonable meaning) and is parallel to the base and having a second vertical piece (3) extending from the base to a second fin (6) that extends substantially along the length of the stand and is parallel to the base, the power module plugging into the stand for creating a first gap (7) along an edge of the first fin that is adjacent to the first side of the power module and extends substantially along the length of the stand and creating a second gap (8) along an edge of the second fin that is adjacent to the second side of the power module and extends substantially along the length of the stand, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective substantially vertical surfaces of said power module. It would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart with the conventional power supply support of Tate for the benefit of a lightweight support frame having large windows for cooling air.

9. With respect to claim 12, Stewart teaches wherein the air fan is a replaceable unit (it is well known that the cooling fans used in the computer art are inherently replaceable).

10. With respect to claim 13 as best as it can be understood, the air fan is integrated into the stand (the air fan must be assembled with the system to provide cooling air).

11. With respect to claim 14 as best as it can be understood, Tate teaches wherein the stand comprises a third vertical piece (2) extending from the base to the first fin (5), a further vertical piece (4) extending from the base to the second fin (6), the first and third vertical pieces forming a first vane with an opening between the first and third vertical pieces, the second and fourth vertical pieces forming a second vane with an opening between the second and fourth vertical pieces.

12. With respect to claims 3 and 15, Stewart teaches wherein the stand comprises a male socket (1715), the power module having a female socket (2300) connected to the male socket of the stand (col 12, 17-21).

13. With respect to claims 4 and 16, Stewart is silent regarding the reversal of male and female connectors. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Gazda 104 USPQ 400 (CCPA 1955). It would have been obvious to a person of ordinary skill in the art to place the male conductor on the power module and the female conductor on the stand for the benefit of protecting the contacts of the stand connector from damage during assembly.

14. With respect to claims 5 and 17, Stewart is silent regarding a reel section for winding. It is old and well known to use a winding reel to store an electrical cord. It would have been obvious to a person of ordinary skill in the art to combine a well known reel for winding the input cord for the benefit of storing the cord as part of the stand when it is not in use making it easier to move and preventing the cable from knotting or becoming tangled.

15. With respect to claims 6 and 18, Stewart teaches wherein the base (125) of the stand has a footprint that provides stability for vertically mounting the power module (see Fig. 1).

16. With respect to claim 19, Stewart teaches an output cord (141) coupled to the stand (the output cord is coupled to the stand by the module 140).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (PN 5,870,284) and Tate (PN D279,283) as applied to claim 1 above, and further in view of Muller et al. (US Pub 2005/0162832). Stewart and Tate lack any teaching of a power generator or fuel cell. Muller teaches using a fuel cell (10) to generate energy for a personal computer (see [0004]). It would have been obvious to a person of ordinary skill in the computer art to replace the power converter of Stewart with a fuel cell as suggested by Muller for the benefit of a portable computer able to power itself without a connection to a power grid.

Response to Arguments

17. Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive. Applicant argues that Tate 4,593,786 eliminates the motivation for the combinations proposed. The Examiner notes that the claims are not rejected over Tate '786. The teachings of Tate D279,283 can not be equated with or limited by Tate 4,593,786. They are separate inventions. This is not to be taken as an admission that Tate 4,593,786 does not apply to the claims.

18. Also, the Applicant compares Tate 786 to the disclosure, and not the claims of the instant application. It is the claims that are rejected/allowed, and limitations are not to be read into the claims from the specification. The claims do not limit the size or scale of the power device. Also the Applicant argues the function and intended use of the claimed invention, which are not sufficient to render the claims patentably distinct. See MPEP 2114.

19. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As stated in the rejection, the Examiner is relying on old and well-known knowledge to reject claims 5 and 17.

20. The remaining arguments are considered moot in view of the rejection above.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Definition of vane – Merriam-Webster Online Dictionary"; <http://www.m-w.com/dictionary/vane>.

22. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on M-F 7:30am-6:00pm (Flextime).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER